

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EVEREST NATIONAL INSURANCE CO.,

Plaintiff,

v.

Case No. 2:21-cv-44

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Elizabeth P. Deavers

AMBER HOLBROOK *et. al.*,

Defendants.

AGREED JUDGMENT ENTRY

This matter arises on the Joint Motion to Enter Agreed Judgment Entry (“Joint Motion”) filed by Plaintiff Everest National Insurance Co. (“Everest”) and Defendants Jeffrey Pickett (“Pickett”) and JAPT Financial, LLC (“JAPT”) (collectively, the “parties”). (ECF No. 57.) Separately, Everest and Defendant Amber Holbrook and Michael Townsend have stipulated to the dismissal of all claims with prejudice. (ECF No. 56.) Pursuant to the Joint Motion, the parties now request this Court to enter judgment in favor of Everest on its claims against Pickett and JAPT. (ECF No. 57.) For good cause shown, the Court **GRANTS** the parties’ Joint Motion, (*Id.*), and **ENTERS JUDGMENT** as follows:

1. The Court **DECLARES** that Pickett and JAPT are not entitled to coverage as an Insured under the Professional Liability (Financial Services) Master Policy, policy number FL5EO00005-171 (the “Policy”) that Everest issued to Pickett as a Certificate of Insurance holder, effective from October 1, 2017 to October 1, 2018, and that the Policy does not provide coverage for any underlying lawsuits or claims at issue in this Declaratory Judgment Action or similar to or related in any way to such claims, including those that have been asserted or may be asserted against Pickett or JAPT related in any way to Pickett’s recommendations to clients of structured cash flows

sold by Future Income Payments, LLC (the “Underlying Claims”), and that Everest has no duty to defend or indemnify Pickett or JAPT for any Underlying Claims.

2. Other than the claims for the Declaratory Judgment set forth in Paragraph No. 1 of this Agreed Judgment Entry, any remaining claims Everest asserted against Pickett or JAPT in this action, to the extent they exist, are **DISMISSED WITH PREJUDICE**, with each party to bear its own costs.

3. This Agreed Judgment Entry fully and finally resolves all claims asserted in this action between Everest, Pickett, and JAPT.

IT IS SO ORDERED.

3/21/2022
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE